



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

BRIAN FRANCOLLA
Assistant Corporation Counsel
Tel.: (212) 788-0988
Fax: (212) 788-9776

February 24, 2012

BY HAND DELIVERY

Honorable Katherine B. Forrest
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 745
New York, New York 10007-1312

Re: Luis Deno, as guardian ad litem for his son, Emerson Deno v. Correction Officer Blackman, et al., 10 CV 8550 (KBF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to handle the defense of the above-referenced matter on behalf of defendants. In that capacity, I write jointly with plaintiff's counsel, Afsaan Saleem, Esq., to advise the Court of the parties' proposed tolling agreement pursuant to which we respectfully request that this matter be dismissed without prejudice. Accordingly, the parties propose that this matter be dismissed without prejudice subject to an agreement that the statute of limitations for plaintiff to re-file this case shall be tolled until 120 days after the final disposition of Emerson Deno's criminal case, including any appeals.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration herein.

Respectfully submitted,

Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division

2/24/12
SO ORDERED:

Katherine B. Forrest
HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE

The Clerk of the Court is directed
to terminate this action.

cc: Afsaan Saleem, Esq. (by email)
Harvis & Saleem LLP
305 Broadway, 14th Floor
New York, New York 10007